

November 6, 2007



Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Presentation in MB Docket No. 07-42

Dear Ms. Dortch:

On November 5, 2007, Andrew Jay Schwartzman, Harold Feld, and Parul Desai of the Media Access Project, and Dr. Gregory Rose, consulting economist, met with Chairman Martin, Michelle Carey, media advisor to the Chairman, Monica Desai, Chief of the Media Bureau, and Gregory Crawford, FCC Chief Economist, with regard to the above captioned matters.

Meeting participants provided copies of a letter from Comcast addressed to Philadelphia area leased area programmers, announcing that they would be migrated to digital tier on less than 30 days notice. The decision was unilateral, not subject to discussion, and leased access programmers were not informed in the letter to what channel they would be migrated – making it impossible to begin notifying viewers until Comcast provided further details to the individual programmers. In addition, meeting participants provided Comcast rate cards demonstrating that information is not presented in a uniform manner, that fees are frequently not disclosed to potential programmers until negotiations commence, and that cost on a DMA basis for monthly use are prohibitively expensive to noncommercial local programmers or fledgling businesses seeking to provide local programming, minority programming, or other programming that would provide diverse views and local news.

With regard to the rate itself, Dr. Rose explained the conclusions of his report, filed by NAMAC, *et al.*, on October 15, 2007. In addition, Dr. Rose explained that a new economic analysis based on available ABI and Nielsen data demonstrated that the Commission should eliminate the practice of charging separate fees for services provided, and should instead impose a flat rate of approximately seven cents subscriber for analog tier, and approximately ten cents per subscriber for digital tier. Dr. Rose provides a written analysis explaining his results. That report is attached.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 CFR §1.1206, this letter is being filed with your office.

Respectfully submitted,

/s/

Harold Feld
Senior Vice President

cc: Chairman Martin
Michelle Carey
Monica Desai
Gregory Crawford